

REFUGEE AND MIGRANT RIGHTS

Syrian refugees and the fall of Assad

On 8 December 2024, Syrian opposition forces announced that President Bashar Al-Assad's regime had fallen.ⁱ Soon after, countries across Europe, including the UK, announced that their decision-making on the asylum claims of Syrians was suspended.ⁱⁱ

This briefing responds to the suspension of asylum decision-making in the UK and sets out wider considerations concerning Syrian refugees and people seeking asylum in the UK.

Suspension of asylum decision-making

Amnesty opposes the suspension of asylum decision-making.ⁱⁱⁱ The ending of Assad's long, brutal and repressive regime provides a welcome opportunity for justice, accountability, and human rights for the Syrian people.^{iv} However, this is no guarantee of safety in what remains a complex and volatile situation.

People seeking asylum are entitled to have their circumstances resolved. The traumas that many have suffered, and the displacement, family separation and uncertainty they continue to endure, may be made worse by extended periods of limbo. It is not acceptable to merely prolong uncertainty about their futures and continue to obstruct their capacity to move on with their lives.^v

Many of the further considerations set out in this briefing provide additional reasons why asylum decision-making should not be suspended.

General considerations regarding the question of returns to Syria

A starting consideration is whether it is safe, sustainable, and reasonable to expect someone to return to Syria at this time. A secondary consideration is whether there is any reasonably foreseeable prospect that this expectation will become safe, sustainable, and reasonable; and over what time period.

What is meant by **safe, sustainable, and reasonable** is as follows:

1. **Safety:** For it to be 'safe' to expect someone to return to Syria, it is necessary that there is no serious risk that they would be persecuted (contrary to the Refugee Convention) or suffer torture, inhuman,

or degrading treatment (contrary to Article 3 of the Human Rights Convention)^{vi} in Syria. The Assad regime has not been the only perpetrator of persecution and torture over recent years.^{vii} The current political situation (including who controls what and where) is unclear and unstable. Moreover, the general conditions in Syria after more than a decade of conflict that has ravaged much of the country are extremely poor. Returning someone to a place of such widespread destruction could put them in a situation so bad for human dignity, welfare, and life as to be degrading and unsafe.

2. **Sustainability:** For it to be ‘sustainable’ to expect people to return to Syria, it is necessary to consider the number of people to whom that could apply and the wider impact if they were returned. That impact may be both political and humanitarian. The humanitarian impact concerns scarcity of resources (housing, food, water, healthcare, etc.). The political impact concerns prospects for peace, stability, and good governance. Each of these can be affected by the scale of the humanitarian crisis confronting those engaged in genuine attempts to rebuild Syria for the good of all its people.
3. **Reasonableness:** For it to be ‘reasonable’ to expect someone to return to Syria, their wider individual circumstances must also be considered. This is not simply about whether it is ‘safe’ or ‘sustainable’ to expect them to return. Many Syrians fled the country several years ago.^{viii} Many people have been forced to make new lives for themselves in exile. Some families have children who have grown up in the UK, including children born here. It is not reasonable to simply expect someone to uproot themselves and their family all over again if they or their family have become settled in the UK. A person’s immigration status may indicate they are formally settled. However, it is not the only factor that may show that the lives and future of someone or their family have come to be in the UK rather than Syria. Expecting someone to return in such circumstances may be a disproportionate interference with their private or family life (contrary to Article 8 of the Human Rights Convention).^{ix}

People’s differing circumstances

It should be clear from the above considerations (safety, sustainability, and reasonableness) that people’s individual circumstances also need careful consideration. It is insufficient to treat all Syrians as equally affected by the fall of the Assad regime.

Among the different situations of various people, the following are particularly important:

- Some people are **awaiting decisions on their asylum claims** (or appeals). People awaiting a decision on their claim are affected by the announced suspension.
- Some people have **already been given asylum**.
- Some people may be **from particular parts of Syria** that have been devastated by the conflict or under the control or influence of particular groups from whom they are not safe; or there may be **particular reasons why they are at risk** from groups that have control or influence in the country.
- Some people’s **lives are now settled** in the UK. This may include children born or grown up in the UK – including being in school here, having friends here, and making their personal connection with this country.^x It may include people who have made the UK their home in other ways including marrying here, being in work here, and becoming part of their local community. Some of these people may already have a status that reflects the fact that the UK has become their home (e.g., having indefinite leave to remain or British citizenship). However, that may not be so for everyone whose life is now settled in the UK.
- Some people may be **receiving care** from family, health or other services on which they are dependent.

Considerations such as these must be considered individually. They may indicate it is not ‘safe’ to expect someone to return or that it would not be ‘reasonable’ to expect that. However, for reasons set out below, there is good reason to conclude that it is generally ‘unsustainable’ to require returns.

A general position on the question of returns to Syria

It is at least clear that the situation in Syria at this time is not stable. It is far from clear when that situation could become stable. However, any large-scale forced return of people to Syria may well worsen the prospects of stability or that any stability that may be achieved is safe and reliable.

In such circumstances, it is especially unhelpful for countries like the UK – with relatively small Syrian populations – to indicate any lessening of will to provide asylum. Turkey, Jordan, and Lebanon host around 4.5 million Syrian refugees between them. The UK is host to around 25,000 such people.^{xi}

The responsible position would be for the UK government to make clear that respect for human rights and Syria's future are its priority. **Enforced returns should not be considered for the foreseeable future.** The UK government has no reason, therefore, to suspend any asylum decision-making. Rather, it should be ensuring that all Syrians are enabled to get on with their lives in the UK. That means:

- deciding people's outstanding asylum claims and granting permission to stay in accordance with their present circumstances (as best as these can be assessed having regard to factors including people's individual histories, the particular humanitarian and political conditions on the ground, and the degree to which any assessment of conditions in Syria can at this time be certain or durable);
- ensuring family reunion rights continue to be respected.

What of people who want to return?

Clearly, some people will want to return. It is important to ensure people are in the best position possible to assess whether to do so. Assisting people, who have made informed decisions, to make a return would be a reasonable and responsible act of government^{xii} – provided care is given to any safeguarding or welfare concerns of children or other dependents who may have particular needs.^{xiii} However, it is important to understand the reasons people may want to return and to respond accordingly.

Some **people may want to return because of one or more of the following reasons:**

- people may want to assess for themselves whether it is generally safe for them and their family to return permanently;
- people may want to try to find loved ones who have been displaced by the conflict or disappeared by Assad's regime or another agent of persecution;
- people may want to help rebuild Syria or provide humanitarian assistance; and
- people may simply miss their home country.

It is important to recognize that some Syrians may, therefore, want to return temporarily without making any final decision about permanent return for them and their family. The Home Office should be willing to support them. It could do this by adopting a policy to allow people who want to return temporarily to do so in the knowledge that, for the foreseeable future, they are **free to come back to the UK.**

Conclusion

If the government's suspension of asylum decision-making is a short-term exercise to review and revise its guidance to decision-makers, decision-making must be quickly resumed.^{xiv}

The government should: make clear that Syrians will not be expected to return to Syria in the foreseeable future. It should encourage other countries to adopt the same position. Its priority should be respect for human rights and supporting Syria's recovery from a brutal and repressive regime and a long and devastating conflict. In accordance with these concerns, the government should support Syrians, who wish to return, to do so temporarily without putting at risk their opportunity to come back to the UK.

Notes

- ⁱ [Amnesty's response](#) to the regime's fall includes a link to the televised announcement.
- ⁱⁱ The Home Secretary confirmed the UK suspension in the House of Commons on 11 December 2024: *Hansard HC*, [11 December 2024 : Col 899](#).
- ⁱⁱⁱ Amnesty issued a [statement on 10 December 2024](#) in response to the decision of several countries to suspend asylum decision-making.
- ^{iv} [Amnesty's response](#) to the regime's fall calls on all parties to respect the laws of armed conflict and focus on securing justice, accountability, and non-recurrence of past human rights violations. It draws particular attention to the tens of thousands of people forcibly disappeared, the need to secure evidence for the prosecution of fair trials, and urges the international community to centre Syrian voices in the transition ahead.
- ^v UK asylum policy, in recent years, has intentionally subjected to people, including Syrians, to protracted periods of limbo, [doing serious harm to them and the asylum system](#) in the process. Amnesty has called for a new commitment to creating and operating a [fair and efficient asylum system](#) for all people seeking asylum. That includes Syrians.
- ^{vi} The Human Rights Convention means the 1950 European Convention on Human Rights as made law in the UK by the Human Rights Act 1998.
- ^{vii} [Amnesty's 2023 assessment of Syria](#) included, "All parties to the long-standing conflict and their allies continued to carry out unlawful attacks, killing civilians and destroying vital infrastructure... The government and armed groups denied civilians access to humanitarian aid... The government and armed forces arbitrarily detained individuals for expressing their views..." It also drew attention to the role of several other countries in the conflict.
- ^{viii} While the conflict since 2011 led to an especially large population of Syrian refugees fleeing the country, the brutality and repression of the Assad regime (under first Hafez Al-Assad and then Bashar Al-Assad, father and son respectively) had compelled many Syrians to flee the country over the previous decades.
- ^{ix} The Human Rights Convention means the 1950 European Convention on Human Rights as made law in the UK by the Human Rights Act 1998.
- ^x The best interests of children is required to be a primary consideration under international law: Article 3 of the 1989 UN Convention on the Rights of the Child. For the purposes of Home Office policy and its implementation, observation of this duty is required by section 55 of the Borders, Citizenship and Immigration Act 2009 and by Article 8 of the Human Rights Convention as most recently affirmed by the Supreme Court in [CAO v Secretary of State for the Home Department](#) [2024] UKSC 32.
- ^{xi} Data is taken from UNHCR's [Refugee Date Finder](#).
- ^{xii} The Minister for Border Security and Asylum is reported as saying that the Government would wish to facilitate returns of Syrians who want that: see, e.g., '[UK would like to facilitate return of refugees to Syria, says minister](#)', *The Guardian*, 10 December 2024.
- ^{xiii} Particular international and statutory duties apply to the Home Office in relation to children (see earlier endnote). However, care must also be taken to safeguard adults with particular disabilities or vulnerabilities that may cause them to be at risk of harm if returning to Syria.
- ^{xiv} In confirming the suspension of asylum decision-making, the Home Secretary referred to this as a 'temporary pause' in the face of a "fast-moving situation, where there is significant risk of instability": 11 December 2024: *Hansard HC*, [11 December 2024 : Col 899](#).

Amnesty International United Kingdom Section
The Human Rights Action Centre
17-25 New Inn Yard
London EC2A 3EA
www.amnesty.org.uk

